

AMENDED IN ASSEMBLY AUGUST 26, 2004

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JUNE 23, 2004

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN ASSEMBLY MAY 27, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1210

Introduced by Senator Torlakson
(Coauthor: Senator Ducheny)
(Coauthor: Assembly Member Bates)

February 10, 2004

An act to amend Section 217 of, and to add and repeal Sections 217.7, 217.8, and 217.9 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1210, as amended, Torlakson. Design-sequencing contracts.

Existing law authorizes the Department of Transportation until January 1, 2005, to conduct a pilot project to let design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

This bill would establish a phase 2 of this pilot project that would be in effect until January 1, 2010. The bill would require the director to consider selecting projects that improve interregional and intercounty routes. ~~This bill would make its operation contingent on both AB 3048~~

~~and SB 1793 being enacted and becoming effective on or before January 1, 2005. The bill would require the department to prepare an annual status report each year a contract is in effect under the project and would require a peer review committee to report to the Legislature on using design-sequencing as a contracting method.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 217 of the Streets and Highways Code
2 is amended to read:

3 217. The following definitions apply for the purposes of this
4 article:

5 (a) “Design” is a plan completed to a level of 30 percent.

6 (b) “Design-sequencing” is a method of contracting that
7 enables the sequencing of design activities to permit each
8 construction phase to commence when design for that phase is
9 complete, instead of requiring design for the entire project to be
10 completed before commencing construction.

11 (c) A “design-sequencing contract” is a contract between the
12 department and a contractor that requires the department to
13 prepare a design and permits construction of a project to
14 commence upon completion of design for a construction phase.

15 (d) This section shall remain in effect only until January 1,
16 2010, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, 2010, deletes or extends that date.

18 SEC. 2. Section 217.7 is added to the Streets and Highways
19 Code, to read:

20 217.7. (a) Notwithstanding Chapter 1 (commencing with
21 Section 10100) of Part 2 of Division 2 of the Public Contract Code,
22 except Section 10128 of that code, and Chapter 10 (commencing
23 with Section 4525) of Division 5 of Title 1 of the Government
24 Code, the department may conduct a phase two pilot program to
25 let design-sequencing contracts for the design and construction of
26 not more than 12 transportation projects, to be selected *based on*
27 *criteria established* by the director. For the purpose of this article,
28 these projects shall be deemed public works.

29 (b) In selecting projects for the pilot program authorized under
30 subdivision (a), the director shall attempt to balance geographical



1 areas among test projects as well as pursue diversity in the types
2 of projects undertaken. In this process, the director shall consider
3 selecting projects that improve interregional and intercounty
4 routes.

5 (c) To the extent available, the department shall seek to
6 incorporate existing knowledge and experience on
7 design-sequencing contracts in carrying out its responsibilities
8 under subdivision (a).

9 (d) This section shall remain in effect only until January 1,
10 2010, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, 2010, deletes or extends that date.

12 SEC. 3. Section 217.8 is added to the Streets and Highways
13 Code, to read:

14 217.8. (a) Not later than July 1, 2006, and July 1 of each
15 subsequent year during which a contract under the phase two pilot
16 program, as described in Section 217.7, is in effect, the department
17 shall prepare a status report on its contracting methods,
18 procedures, costs, and delivery schedules. Upon completion of all
19 design-sequencing contracts, but in no event later than January 1,
20 2010, the department shall establish a peer review committee *or*
21 *continue in existence the peer review committee created pursuant*
22 *to former Section 217.4, which was added by Chapter 378 of the*
23 *Statutes of 1999, and direct that committee* to prepare a report for
24 submittal to the Legislature that describes and evaluates the
25 outcome of the contracts provided for in Section 217.7, stating the
26 positive and negative aspects of using design-sequencing as a
27 contracting method.

28 (b) This section shall remain in effect only until January 1,
29 2010, and as of that date is repealed, unless a later enacted statute,
30 that is enacted before January 1, 2010, deletes or extends that date.

31 SEC. 4. Section 217.9 is added to the Streets and Highways
32 Code, to read:

33 217.9. Design-sequencing contracts under the phase two pilot
34 program, as described in Section 217.7, shall be awarded in
35 accordance with all of the following:

36 (a) The department shall advertise design-sequencing projects
37 by special public notice to contractors.

38 (b) Contractors shall be required to provide prequalification
39 information establishing appropriate licensure and successful past
40 experience with the proposed work.

1 (c) This section shall remain in effect only until January 1,
2 2010, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2010, deletes or extends that date.

4 ~~SEC. 5. This act shall become operative only if both~~
5 ~~Assembly Bill 3048 of the 2003-04 Regular Session and Senate~~
6 ~~Bill 1793 of the 2003-04 Regular Session are enacted and become~~
7 ~~effective on or before January 1, 2005.~~

